

DATE: [ DATE \@ "MMMM d, yyyy" ]

ECRCO

CONTACT: Lilian

Dorka/ 564-9649

*Internal deliberative pre-decisional, attorney-client privileged information, do not release without review.*

**External Civil Rights Compliance Office**

**Litigation: Pending Cases Related to Earthjustice Litigation**

# **Ex. 5 Deliberative Process (DP)**

***1. Tallassee (Landfill), AL (EPA File # 06R-03-R4)***

## **Ex. 5 Deliberative Process (DP)**

**Regulatory/ Legal Requirements:**

- Title VI of the Civil Rights Act of 1964, as amended, 42 United States Code 2000d *et seq.*
- EPA's nondiscrimination regulations found at 40 Code of Federal Regulations (C.F.R.) Part 7.
- 40 C.F.R. § 7.115 (Postaward Compliance Reviews).
- ECRCO Case Resolution Manual, at Ch. 5 (Compliance Reviews)

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~~This document was removed from the subject of the litigation involving ADEM/Ameshead.~~

## Ex. 5 Deliberative Process (DP)

### 2. *Beaumont Exxon/Mobil Refinery, TX (EPA File # 01R-00-R6)*

~~Beaumont, TX. This case involves allegations that the Texas Commission on Environmental~~

## Ex. 5 Deliberative Process (DP)

#### Regulatory/ Legal Requirements:

- Title VI of the Civil Rights Act of 1964, as amended, 42 United States Code 2000d *et seq.*
- EPA's nondiscrimination regulations found at 40 Code of Federal Regulations (C.F.R.) Part 7.

## Ex. 5 Deliberative Process (DP)

#### Action Needed:

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## Ex. 5 Deliberative Process (DP)

### Non-litigation: Other Pending Cases Under Investigation Needing Resolution in Next Two Weeks

- Arizona Cases

## Ex. 5 Deliberative Process (DP)

#### Regulatory/ Legal Requirements:

- Title VI of the Civil Rights Act of 1964, as amended, 42 United States Code 2000d *et seq.*
- EPA's nondiscrimination regulation found at 40 Code of Federal Regulations (C.F.R.) Part 7.

## Ex. 5 Deliberative Process (DP)

### *2. Fisher Sand & Gravel, MCAQD (EPA File # 01R-11-R9)*

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## Ex. 5 Deliberative Process (DP)

### Regulatory/ Legal Requirements:

- Title VI of the Civil Rights Act of 1964, as amended, 42 United States Code 2000d *et seq.*
- EPA's nondiscrimination regulation found at 40 Code of Federal Regulations (C.F.R.) Part 7.

## Ex. 5 Deliberative Process (DP)

3. *South Phoenix, MCAQD and Arizona Department of Environmental Quality (ADEQ) (EPA File # 03R-07-R9)*

## Ex. 5 Deliberative Process (DP)

Status:

## Ex. 5 Deliberative Process (DP)

### Regulatory/ Legal Requirements:

- Title VI of the Civil Rights Act of 1964, as amended, 42 United States Code 2000d *et seq.*
- EPA's nondiscrimination regulations found at 40 Code of Federal Regulations (C.F.R.) Part 7.

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**Non-litigation: Cases Under Jurisdictional Review (JR) Needing Action**

ECRCO has a number of cases pending JR. Although ECRCO has been making an effort to complete the JRs within 20 days, and has made great progress in this area since 2015, there are a number of older cases still pending jurisdictional review, in addition to newer cases pending JR.

- **Acceptance Letters Ready to be issued**

- 1) **Hawaii Department of Agriculture (DOA) and the Hawaii Agribusiness Development Corporation (ADC) (EPA File # 44RNO-16-R9)**

**Ex. 5 Deliberative Process (DP)**

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**Non-litigation: Other Matters**

- **Toolkit Roll-Out**

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